

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2009-XXXX

INDIVIDUAL WASTE DISCHARGE REQUIREMENTS  
FOR  
VELDHUIS NORTH DAIRY  
MERCED COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

**Findings**

**Facility Owner & Location**

1. The Veldhuis North Dairy (hereafter "facility") is owned by Jeanette Veldhuis and operated by Eric Veldhuis (hereafter "Discharger") and is located in an unincorporated area of Merced County west of Lee Road, north of Bradbury Road and approximately one mile east of Ballico, in Sections 28, 29, 30, 32 and 33, Township 5 South, Range 12 East, Mount Diablo Base and Meridian, at 12465 Lee Road, Merced County (see Attachment A, which is hereby made part of this Order).
2. The facility has been in operation since June 2005.
3. The facility is not currently regulated under Order No. R5-2007-0035, Waste Discharge Requirements General Order for Existing Milk Cow Dairies (hereafter "General Order") because the facility expanded since October 2005. Pursuant to Finding 2. of the General Order, the Order does not apply to such facilities.
4. A Report of Waste Discharge dated 28 August 2008 has been submitted for the expanded dairy.

**Facility Description**

5. At full build out the Discharger will milk 3,113 cows, and will have 540 dry cows, 884 bred heifers, 442 heifers one year to breeding, 1,768 three-to-twelve month calves, and 442 baby calves for a total herd size of 7,189 animals. Baby calves will not be housed at the facility. The maximum herd size at the facility is 7,189 animals based on the final Environmental Impact Report. The maximum number of animals in each age category will not exceed the numbers given in this Finding. The facility will produce approximately 27,148 gallons of milk per day.

6. The Discharger owns 1,615 total acres. Land under agricultural production at the facility consists of 1,486 acres located on Assessor's Parcel Numbers 042-050-003, 042-050-006, 042-050-009, 042-050-011, 042-050-021, 042-050-022. Of the cropland, 1,232 acres are double cropped in corn and oat silage, and 254 acres are cropped in almonds. The Discharger applies liquid and/or solid waste only to the acres cropped in corn and oat silage. Manure solids will be used on the corn and oat silage cropland and used as bedding.
7. The remaining 129 acres are used for the dairy production area, including corrals, freestall barns, milking parlor, feed storage, settling basins, and a wastewater storage lagoon (See Attachment B-2).
8. The facility is located outside the 100-year floodplain.
9. The Discharger had an off-property discharge of wastewater on 29 February 2008. This discharge was from an open pipe at the edge of the northwest field. The wastewater entered into a ditch that is tributary to Mustang Creek. Mustang Creek flows into the Highline Canal, which is tributary to the Merced River. A Notice of Violation was sent to the Discharger on 19 March 2008.

## **Waste Production**

10. Waste produced at the facility consists of wastewater from facility wash down operations and storm water containing manure, urine, milk products, spoiled feed material, bedding (litter), soil, and cleaning compounds. Solid wastes are also produced at the facility and primarily consist of manure with additional fractions of spoiled feed, bedding material and soil.
11. An estimated 28,636 gallons per day (gpd) of clean water from the on-site water supply wells is used to wash down the holding pen, wash pen, and milking parlor floors, rinse the cows, and wash down miscellaneous dairy equipment. Over 120 days, the volume of barn wastewater generated will be 3,436,320 gallons. One hundred twenty days (December 1 through March 30) is the maximum amount of time that waste needs to be stored at the facility between land applications.
12. The operation of the dairy generates approximately 1.45 cubic feet of manure per animal unit per day, where an animal unit equals 1,000 pounds of animal weight. Fifty percent of the manure is removed as solids through the settling basins, leaving a total of 5,897,110 gallons of manure and bedding generated over 120 days for a herd of 7,189 animals that is sent to the wastewater retention system.
13. Rainfall onto impervious areas of the facility, onto the ponds, and onto corrals is estimated at 22,915,471 gallons over the December through March storage period, using average rainfall figures and including rainfall from one 25-year, 24-hour storm.

14. The total amount of wastewater requiring storage over the 120-day maximum storage period, after removing losses due to evaporation and adding one 25-year 24-hour storm, is 27,817,344 gallons.

## **Wastewater Ponds**

15. Wastewater and manure generated at the facility drains to a concrete drain. The manure and wastewater is then conveyed to six settling basins. The wastewater from the settling basins then gravity flows to the wastewater storage lagoon before it is used for irrigation of the land application area. Effluent is recycled from the wastewater storage lagoon to flush the lanes. Milk barn wash water is piped directly to the wastewater storage system.
16. The facility has six settling basins and one wastewater storage lagoon. The settling basins all have dimensions of approximately 1,000 feet long by 60 feet wide, and a side slope of 1.4:1. The wastewater storage lagoon is 2,270 feet long by 176 feet wide with 3:1 side slopes. The total storage capacity of the six settling basins and wastewater storage lagoon combined, allowing for one foot of freeboard in the settling basins and two feet of freeboard in the wastewater storage lagoon, is 6,853,333 cubic feet (51,266,489 gallons).
17. The storage lagoon has been constructed to handle runoff from the 25-year, 24-hour storm as long as it is properly managed throughout the year.

## **Groundwater Monitoring**

18. The Discharger has installed two monitoring wells to characterize groundwater quality downgradient and upgradient of the corrals and cropland. The Discharger shall install additional monitoring wells to characterize groundwater quality downgradient of the wastewater storage lagoon and downgradient of the land application area. The Discharger will install two additional monitoring wells initially, which will be used in conjunction with one of the existing monitoring wells to determine groundwater flow direction. Once the flow direction is determined, a third monitoring well will be installed, if needed, to monitor either the wastewater storage lagoons or downgradient of the cropland. These new wells, and any additional groundwater monitoring wells required in the future, will be installed in accordance with Attachment D. With the installation of these wells, the Discharger will be able to characterize the groundwater flow direction and gradient at the facility. In addition, the Discharger monitors existing domestic and agricultural production wells for changes in water quality.
19. Groundwater samples were collected at the dairy facility from the existing monitoring wells in July 2003, October 2007, June 2008, and November 2008. Depth to groundwater ranged from 89 to 144 feet below ground surface over the sampling period. Groundwater flow is assumed to be to the

southwest; however, the assumption is based on two monitoring wells. Groundwater flow direction will be confirmed when the two additional monitoring wells are installed. Of the monitoring wells at the facility, nitrate-nitrogen was below the Maximum Contaminant Level (MCL) during each sampling event in both monitoring wells. Electrical Conductivity was slightly higher than the secondary MCL in Monitoring Well 2, but does not appear to be increasing over time. This will be confirmed through the BPTC Technical Evaluation described in F.1.e.

### **Land Application Area**

20. The Discharger has submitted a field-by-field Nutrient Management Plan, prepared by a certified Nutrient Management Specialist. Wastewater generated at the facility is applied to land owned and/or operated by the dairy at agronomic rates as described in the certified Nutrient Management Plan. Any manure solids applied to land application areas will be applied at agronomic rates as described in the certified Nutrient Management Plan.
21. All land application areas have tailwater recovery systems except for Field 8 which has center pivot sprinklers. This field is surrounded on three sides by fields that do have tailwater recovery systems and the fourth side drains away from the neighboring field and towards the tailwater recovery systems. Therefore, all runoff from Field 8 would be captured.

### **California Environmental Quality Act**

22. The Merced County Department of Planning and Community Development is the lead agency for purposes of the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report (EIR) for this project was submitted to the Merced County Department of Planning and Community Development in 25 September 2003. A Final EIR was submitted to the Merced County Department of Planning and Community Development in December 2003. The Merced County Department of Planning and community Development certified the Final EIR and approved the Conditional Use Permit #03007 on 14 January 2004. The Board is a responsible agency for purposes of CEQA. The Board reviewed and considered the environmental effects of the project identified in the EIR. The EIR identified mitigation measures to lessen or avoid significant effects on the environment. This Order incorporates mitigation measures identified in the EIR that are within the Board's jurisdiction, specifically Specifications B.14, B.15, and B.16. This Order includes requirements to assure compliance with the Porter-Cologne Water Quality Control Act and the applicable Basin Plan. This Order prohibits discharges of waste to surface water and prevents degradation of groundwater.

## Antidegradation Considerations

23. State Water Resources Control Board Resolution 68-16 ("Statement of Policy with Respect to Maintaining High Quality of Waters in California") (Resolution 68-16) requires that the Board maintain the high quality of waters of the State unless it has been demonstrated that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses of such water, and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce waste must be required to meet waste discharge requirements which will result in the best practicable treatment or control (BPTC) of the discharge necessary to assure that a pollution or nuisance will not occur and that the highest water quality consistent with maximum benefit to the people of the State will be maintained. This Order is consistent with Resolution 68-16. It does not authorize pollution of waters of the State. It prohibits the discharge of waste to surface waters from the production area; it prohibits the discharge of waste to surface waters from the land application area; and it prohibits pollution of surface and groundwater. This Order requires the Discharger to meet requirements that constitute best practicable treatment or control. The facility includes groundwater monitoring. This Order requires the Discharger to meet waste discharge and land application specifications, monitoring and reporting requirements, and other provisions.
24. The Veldhuis North Dairy will satisfy the requirements of Resolution 68-16 through specific actions taken by the Discharger. The lagoon and settling basins at the Veldhuis North Dairy are unlined and could potentially impact groundwater; however, the current groundwater conditions at the dairy do not indicate that there is degradation at this time. Therefore, this Order includes a BPTC analysis consisting of collecting groundwater data and conducting an intra-well statistical analysis to better determine impacts to groundwater from the existing lagoon and settling basins, with the potential for lining the lagoon and settling basins if determined necessary by the BPTC evaluation. Corrals at dairies are another area of concern for groundwater because built-up manure and ponded water in corrals can cause degradation. The Discharger has submitted an Operation and Maintenance Plan, which includes a maintenance schedule for preventing ponded water and grading of the corrals. The land application area also has the potential to impact groundwater. The application of nutrients to crops combined with over-irrigation can cause leaching of nitrogen into the groundwater. This Order requires the Discharger to implement a certified Nutrient Management Plan that limits application of nitrogen to cropland to 1.4 times the crop uptake and controls the amount of irrigation to the fields so leaching is minimized.

## General Findings

25. This Order regulates the storage, management, and disposal of wastes on the dairy production area and land application area to protect the beneficial uses of underlying groundwater and the surface waters that receive discharges from the facility.
26. For the purposes of this Order, “waste” includes, but is not limited to, manure, leachate, wastewater and any water, precipitation or rainfall runoff that contacts raw materials, products, or byproducts such as manure, compost piles, feed, silage, milk, or bedding. Wastewater is defined as water directly or indirectly used in operation of a milk cow dairy for any or all of the following; washing, cleaning, or flushing pens, barns, manure pits, or other dairy facilities; washing or spray cooling of animals; or dust control and includes any water or precipitation and precipitation runoff which comes into contact with any raw materials, products, or byproducts including, feed, milk, or bedding. Storm water is defined as storm water runoff, surface runoff, and drainage.
27. This Order does not authorize violation of any federal, state, or local law or regulation. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from his liabilities under federal, state, or local law.
28. As stated in California Water Code Section 13263(g), the discharge of waste into waters of the State is a privilege, not a right, and this Order does not create a vested right to continue the discharge of waste. Failure to prevent conditions that create or threaten to create pollution or nuisance will be sufficient reason to modify, revoke, or enforce this Order, as well as prohibit further discharge.
29. If not controlled or retained, surface water drainage from the area flows to Mustang Creek which flows into the Highline Canal. Highline Canal flows into the Merced River. Beneficial uses of the Merced River are: municipal, industrial supply, agricultural supply, recreation, fresh water habitat, fish migration, fish spawning, and wildlife habitat.
30. Beneficial uses of groundwater in the surrounding area are domestic, municipal, industrial, and agricultural supply.
31. The Board adopted a Water Quality Control Plan for the Sacramento and San Joaquin River Basins (4<sup>th</sup> Ed. Revised October 2007) (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan. These requirements are consistent with the Basin Plan.

32. These requirements are consistent with Title 27, Division 2, Chapter 7, Subchapter 2, California Code of Regulations, regulating confined animal facilities.
33. On **12 June 2009**, the Board notified the discharger and interested parties of its intent to issue Waste Discharge Requirements for this discharge and has provided them with a copy of the proposed Order and an opportunity to submit written comments.
34. After considering all comments pertaining to this Order during a public hearing on **XX Month 2009** this Order was found consistent with the above findings.

IT IS HEREBY ORDERED that Jeanette and Eric Veldhuis, dba Veldhuis North Dairy, its owners, tenants, agents, successors, and assigns, pursuant to California Water Code Sections 13260, 13263, and 13267 and in order to meet the provisions contained in Division 7 of the California Water Code and regulations and policies adopted thereunder shall comply with the following;

#### **A. Prohibitions**

1. The discharge of waste other than as defined in General Finding 23 above or from septic tanks, or of hazardous waste, as defined in the California Water Code Section 13173 and Title 23 CCR Section 2521 (a), respectively, is prohibited. The disposal of waste not generated by on-site animal production activities as defined in Finding 9, above, is prohibited unless a Report of Waste Discharge for the disposal has been submitted to the Executive Officer and the Central Valley Water Board has issued or waived waste discharge requirements (WDRs).
2. The direct or indirect discharge of waste and/or storm water from the production area to surface waters is prohibited.
3. The discharge of wastewater to surface waters from a land application area is prohibited. Irrigation supply water that comes into contact or is blended with waste or wastewater shall be considered wastewater under this Prohibition.
4. The discharge of storm water to surface water from a land application area where manure or wastewater has been applied is prohibited unless the land application area has been managed consistent with a certified Nutrient Management Plan.
5. The application of wastewater to a land application area before, during, or after a storm event that would result in runoff of the applied water is prohibited. ‘

6. The discharge of waste from the facility to surface waters which causes or contributes to an exceedance of any applicable water quality objective in the Basin Plan or any applicable state or federal water quality criteria, or a violation of any applicable state or federal policies or regulations is prohibited.
7. The collection, treatment, storage, discharge or disposal of waste from the facility that results in pollution or nuisance is prohibited.
8. The disposal of dead animals in any liquid manure or wastewater system is prohibited. The disposal of dead animals at the facility is prohibited except when federal, state or local officials declare a State of Emergency and where all other options for disposal have been pursued and failed and the onsite disposal complies with all state and local policies for disposal of dead animals.
9. All animals shall be prohibited from entering any surface water within the animal confinement area (Title 27 CCR Section 22561).
10. The application of waste to lands not owned, leased, or controlled by the Discharger without written permission from the landowner or in a manner not approved by the Executive Officer, is prohibited.
11. The land application of manure or wastewater to land application areas for other than nutrient recycling is prohibited.
12. The use of manure to construct containment structures or to repair, replace, improve, or raise existing containment structures is prohibited.
13. The direct discharge of wastewater into groundwater via backflow through water supply or irrigation supply wells is prohibited.

## **B. Specifications**

### **Waste Discharge Specifications**

1. The collection, treatment, storage, discharge, or disposal of wastes at the facility shall not result in: (1) discharge of waste constituents in a manner which could cause degradation of surface water or groundwater, (2) contamination or pollution of surface water or groundwater, (3) a condition of nuisance, (4) exceedance of water quality objectives, or (5) unreasonably affect beneficial uses (as defined by the California Water Code Section 13050).
2. The wastewater storage lagoon and settling basins at the facility shall be operated and maintained to be protective of water quality. If at any time the design, construction, operation, and/or maintenance of the lagoon and/or

basins is not protective of water quality, the Discharger shall notify the Board and propose modifications in accordance with Required Reports and Notices F.1.b.

3. Prior to the enlargement of the existing storage lagoon; construction of any new lagoon or settling basin; or in the event that the design, construction, operation and/or maintenance of the lagoon is not protective of water quality the Discharger shall submit a design for review and approval by the Executive Officer. The design shall conform to either of the options described below:
  - a. Tier 1: A pond designed to consist of a double liner constructed with 60-mil high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with Section 20340 of Title 27) between the two liners will be considered to be consistent with Resolution 68-16. Review for ponds designed to this standard will be conducted in less than 30 days of receipt of a complete design plan package submitted to the Board.
  - b. Tier 2: A pond designed in accordance with California Natural Resource Conservation Service (NRCS) Conservation Practice Standard 313 or equivalent and which the Discharger must demonstrate through submittal of technical reports that the alternative design is protective of groundwater quality as required in Specification B.4 below.
4. Prior to commencement of construction described in Specification B.3, Discharger shall submit a design report for review and approval by the Executive Officer prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The design report shall include the following:
  - a. Design calculations demonstrating that adequate containment will be achieved.
  - b. Details on the liner and leachate collection and removal system (if appropriate) materials,
  - c. A schedule for construction and certification of completion,
  - d. A construction quality assurance plan describing testing and observations needed to document construction of the pond in accordance with the design and Sections 20323 and 20324 of Title 27,

- e. An operations and maintenance plan for the pond, and
  - f. Unless waived by the Executive Officer, a technical report and groundwater model that demonstrates the proposed pond is in compliance with the groundwater limitations in this Order, including calculations that demonstrate the amount and quality of seepage from the proposed pond and its effect on water quality.
5. Prior to the placement of waste in any enlarged existing settling, storage, or retention pond or any such newly constructed pond, the Discharger shall submit a post construction report prepared by, or under the direct supervision of, and certified by, a Civil Engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. Waste shall not be placed into the pond until the Executive Officer notifies the Discharger in writing that the post construction report is acceptable. The post construction report shall include: (1) verification that the pond meets the requirements of this Order including documentation of the results of the construction quality assurance testing and observations, (2) certification that the pond was constructed as designed and (3) as-built diagrams.
6. The facility shall have lagoons and conveyance structures that are designed, constructed, operated, and maintained to retain all facility wastewater generated during the storage period (maximum period of time anticipated between land application of wastewater), together with all precipitation on and drainage through manured areas, up to and including during a 25-year, 24-hour storm.
7. The level of waste in the wastewater storage lagoon at the facility shall be kept a minimum of two (2) feet from the top of the lagoon. The level of waste in the settling basins at the facility shall be kept a minimum of one (1) foot from the top of each pond. Less freeboard may be approved by the Executive Officer when a Civil Engineer who is registered pursuant to California law, or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work, demonstrates that the structural integrity of the ponds will be maintained with the proposed freeboard.
8. The wastewater storage lagoon and the settling basins shall be managed and maintained to prevent breeding of mosquitoes and other vectors. In particular,
- a. Small coves and irregularities shall not be allowed around the perimeter of the water surface;

- b. Weeds shall be minimized through control of water depth, harvesting, or other appropriate method;
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface; and
  - d. Management shall be in accordance with the requirements of the Mosquito Abatement District.
9. All precipitation and surface drainage from outside of the facility (i.e., "run on") shall be diverted away from any manured areas unless such drainage is fully contained (Title 27 Section 22562(b)).
10. Storage lagoons designated to contain the 25-year, 24-hour storm event runoff must have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation from a 25-year, 24-hour storm event.
11. All roofs, buildings, and non-manured areas located in the production area at the facility shall be constructed or otherwise designed so that clean rainwater, including roof drainage, is diverted away from manured areas, including corrals and waste containment facilities, unless such drainage is fully contained in the wastewater retention system (Title 27 Section 22562(b)).
12. The milk parlor, animal confinement area (including corrals), and manure and feed storage areas, and any unpaved areas in the production area shall be designed and maintained to convey all water that has contacted animal wastes or feed to the wastewater retention system and to minimize standing water and the infiltration of water into the underlying soils. The Discharger shall, at a minimum of once per year, backfill any slope loss with compacted, non-manured material to maintain pre-existing slopes.
13. Unlined ditches, swales, and/or earthen-berm channels may not be used for storage of wastewater, manure, or tailwater and may only be used for conveyance of wastewater collected in the production area to the storage lagoons, conveyance of wastewater from the storage lagoon to the land application area, irrigation return water management, or temporary control of accidental spills.
14. Unpaved corrals or lanes shall not be located closer than 25 feet from the milking barn or closer than 50 feet from the milk house. Corral drainage must be provided.
15. The cow standing platform at permanent feed racks shall be paved with concrete or equivalent for at least 10 feet back of the stanchion line.

16. A (concrete or equivalent) paved ramp or corral shall be provided to allow animals to enter or leave the milking barn. This paved area shall be curbed (minimum six inches high and six inches wide) and sloped to a drain. Cow washing areas shall be paved (concrete or equivalent) and sloped to a drain. The perimeter of the area shall be constructed in a manner that will retain the wash water to a paved drained area. Paved access shall be provided to permanent feed racks, mangers, and water troughs. Water troughs shall be provided with: (1) a drain to carry the water from the corrals; and (2) pavement (concrete or equivalent) which is at least 10 feet wide at the drinking area.

### **Land Application Specifications**

17. Land application of all waste from the facility shall be initially conducted in accordance with the certified Nutrient Management Plan. The Nutrient Management Plan is consistent with Resolution No. 68-16. Land application of wastes at the facility shall not pollute underlying groundwater or cause the underlying groundwater to contain any waste constituent, degradation product, or any constituent of soil mobilized by the interactions between applied waste and soil or soil biota, to exceed the groundwater prohibitions and specifications set forth in this Order. The Nutrient Management Plan shall be modified within 90 days if monitoring shows that discharge from the land application is polluting ground water or fails to comply with surface water quality objectives or criteria. The modifications must be designed to bring the facility into compliance with this Order.
18. The Discharger shall have a written agreement with each third party that receives wastewater from the Discharger for its own use. Each written agreement shall be included in the Discharger's Nutrient Management Plan and Annual Report. The written agreement(s) shall be effective until the third party is covered under waste discharge requirements or a waiver of waste discharge requirements that are adopted by the Central Valley Water Board and that are specific to the application of the Discharger's wastewater to land under the third party's control. The written agreement shall:
- a. Clearly identify:
    - i. The Discharger and dairy facility from which the wastewater originates,
    - ii. The third party that will control the application of the wastewater to land application areas,
    - iii. The Assessor's Parcel Number(s) and the acreage(s) of the land application areas where the wastewater will be applied, and
    - iv. The types of crops to be fertilized with the wastewater.

- b. Include an agreement by the third party to:
    - i. Use the wastewater at agronomic rates appropriate for the crops to be grown, and
    - ii. Prevent the runoff to surface waters of wastewater, storm water or irrigation supply water that is blended with wastewater.
  - c. Include a certification statement, as specified in General Reporting Requirements C.7 of the Standard Provision and Reporting Requirements (which is attached to and made part of this Order), which is signed by both the Discharger and third party.
19. The application of waste to land application areas shall be at rates that preclude development of vectors or other nuisance conditions and meet the conditions of the certified Nutrient Management Plan. Application shall be timed to minimize nitrogen movement below the root zone.
20. Land application areas that receive dry manure shall be managed through implementation of erosion control measures to minimize erosion and must be consistent with a certified Nutrient Management Plan.
21. All wastewater applied to land application areas must infiltrate completely within 72 hours after application.
22. Wastewater shall not be applied to land application areas during periods when the soil is at or above field moisture capacity unless consistent with the certified Nutrient Management Plan.
23. Manure and wastewater shall not be applied closer than 100 feet to any down gradient surface waters, open tile line intake structures, sinkholes, agricultural or domestic well heads, or other conduits to surface waters, unless a 35-foot wide vegetated buffer or physical barrier is substituted for the 100-foot setback or alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions achieved by the 100-foot setback.
24. Animal waste (manure solids) shall not be applied for disposal to any land that is not being used to grow crops. Crops must be planted within 60 days of waste application.
25. Waste and land application areas shall be managed to prevent contamination of crops grown for human consumption. The term "crops grown for human consumption" refers only to crops that will not undergo subsequent

processing which adequately removes potential microbial danger to consumers.

26. Flow meters shall be installed to apply liquid manure at agronomic rates to the land application areas. Confirmation that the meters were installed shall be provided with the first Annual Report.

### **C. Interim Groundwater Limitations**

1. These interim groundwater limitations are to be applied at the shallowest groundwater beneath the facility. These limitations are based on either the maximum contaminant level (MCL) for the constituent as published in Title 22 CCR or other applicable Basin Plan objectives but they may or may not reflect the appropriate final groundwater limitations for this site. Final limitations will be established following completion of work required by this Order. Release of waste constituents from any treatment, storage, or disposal component associated with the facility shall not cause or contribute to groundwater:
  - a. Containing constituent concentrations in excess of the concentrations specified below or natural background quality, whichever is lower:
    - i. Nitrate as nitrogen of 10 mg/L (Title 22 CCR MCL);
    - ii. Chloride of 250 mg/L (Title 22 CCR Secondary MCL);
    - iii. Total Dissolved Solids of 500 mg/L (Title 22 CCR Secondary MCL);
    - iv. Electrical Conductivity of 900  $\mu$ mhos/cm (Title 22 CCR Secondary MCL);
    - v. Most probable number of total coliform (either E. coli or fecal coliform bacteria) not to exceed 2.2/100 milliliters (Title 22 CCR MCL);
    - vi. For constituents identified in Title 22 CCR, the MCLs quantified therein; and
  - b. Containing taste or odor-producing constituents, toxic substances, or any other constituents, in concentrations that cause nuisance or adversely affect beneficial uses.
2. Final groundwater limitations will be developed upon the results of the BPTC evaluations and monitoring conducted as directed by this Order and reported consistent with the Provisions below.

#### **D. Provisions**

1. The Discharger shall comply with the *Standard Provisions and Reporting Requirements for Individual Waste Discharge Requirements for Dairies in the Sacramento and San Joaquin River Basins* (Standard Provisions) dated **August 2007**, which is attached to and made part of this Order.
2. The Discharger shall comply with all applicable provisions of the California Water Code, Title 27 CCR, and the applicable Water Quality Control Plans.
3. The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2009-XXXX which is part of this Order, and future revisions thereto as specified by the Board or the Executive Officer.
4. The number of animals shall not be increased above the maximum herd size stated in Finding 4 until the Discharger submits a new Report of Waste Discharge (ROWD) and the Regional Board has issued new Waste Discharge Requirements. The ROWD shall clearly demonstrate that the increase in animals will not constitute a threat to water quality.
5. The Discharger shall submit a complete Report of Waste Discharge in accordance with the California Water Code Section 13260 at least 140 days prior to any material change or proposed change in the character, location, or volume of the discharge, including any expansion of the facility or development of any treatment technology, or construction of an anaerobic digester.
6. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
7. The Board will review this Order periodically and may revise requirements when necessary.
8. If site conditions threaten to violate Specification B.1 or Prohibition A.2, the Discharger shall take immediate action to preclude the violation, documenting the condition and all corrective actions. Such actions shall be summarized in the annual monitoring report. Alterations of the Waste Management Plan (see Required Reports and Notices F.1.b) for the production area to avoid a recurrence shall be submitted as a modification to the Waste Management Plan.
9. If a discharge of waste creates, or threatens to create, significant objectionable odors or nuisance odor and vector conditions, enforcement and/or revocation of coverage under this Order may result.

10. The Discharger shall comply with all requirements of this Order and all terms, conditions, and limitations specified by the Executive Officer.
11. Any instance of noncompliance with this Order constitutes a violation of the California Water Code and its regulations. Such noncompliance is grounds for enforcement action, and/or termination of the authorization to discharge.
12. The Discharger must maintain coverage under this Order or a subsequent revision to this Order until all manure, wastewater, and animal waste impacted soil, including soil within the settling basins and storage lagoon, is disposed of or utilized in a manner which does not pose a threat to surface water or groundwater quality or create a condition of nuisance. At least 90 days before seeking to terminate coverage under this Order, the Discharger must submit to the Executive Officer a closure plan that ensures protection of surface water and groundwater. No more than 30 days after completion of site closure, the Discharger shall submit a closure report which documents that all closure activities were completed as proposed and approved in the closure plan. Coverage under this Order will not be terminated until cleanup is complete.
13. This Order shall become effective upon adoption by the Board.
14. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Central Valley Water Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Board or court orders requiring corrective action or imposing civil monetary liability.
15. Technical reports required by this Order must be certified by an appropriately licensed professional as required in this Order and its Attachments. If the Executive Officer provides comments on any technical report, the Discharger will be required to address those comments.
16. The Discharger shall maintain a copy of this Order at the site so as to be available at all times to site-operating personnel. The Discharger, landowner and his/her designee shall be familiar with the content of this Order.

### **E. Permit Reopening, Revision, Revocation, and Re-Issuance**

1. If more stringent applicable water quality standards are adopted in the Basin Plan, the Board may revise and modify this Order in accordance with such standards.
2. This Order may be reopened to address any changes in state plans, policies, or regulations that would affect the water quality requirements for the discharges and as authorized by state law.

### **F. Required Reports and Notices**

- I. Dischargers must prepare and submit the following pursuant to Water Code Section 13267 in accordance with this Order:
  - a. The Discharger shall submit Annual Reports, Groundwater Reports, and Storm Water Reports as described in the Monitoring and Reporting Program.
  - b. **Waste Management Plan:** The Discharger has submitted a Waste Management Plan that describes and evaluates the facility's design, construction, operation, and maintenance for flood protection and waste containment. If, in the course of operation the Discharger or the Board determines that the design, construction, operation, and/or maintenance of the dairy facility is not protective of water quality, the Discharger must notify the Board and propose modifications and a schedule for modifications that will bring the dairy facility into compliance. Certification that the modifications have been implemented shall be submitted to the Executive Officer within 30 days of completion of the modifications.
  - c. **Nutrient Management Plan:** The Discharger has submitted a Certified Nutrient Management Plan that addresses the application of wastewater to land for nutrient recycling (See Attachment C). The Plan must be maintained at the dairy, submitted to the Executive Officer upon request and must ultimately provide for protection of both surface water and groundwater. The Nutrient Management Plan shall be updated as necessary or if the Executive Officer requests that additional information be included. Groundwater monitoring will be used to determine if implementation of the Nutrient Management Plan is protective of groundwater quality.
  - d. **Other Reports:** By **1 November 2009**, the Discharger will provide:
    - i. A Monitoring Well Installation Completion Report describing the installation of the new monitoring wells, and certification that the first round of ground water sampling for these wells has been completed.

- ii. Documentation (certified design schematics) on the construction of the settling basins and wastewater storage lagoon.
- e. **BPTC Technical Evaluation:** The Discharger shall conduct a technical evaluation that includes groundwater monitoring and a statistical analysis of collected data to determine if the lagoon and basins are impacting groundwater. An impact is defined as a measurably significant increase in certain constituents in the groundwater over time. The technical evaluation shall involve quarterly monitoring of the groundwater monitoring wells at the facility for a 2-year period. Monitoring will include, at a minimum, the constituents defined in Section C.1.a. of this Order. At the end of the 2-year period, an intra-well statistical analysis (an evaluation of the change in each constituent in a single well over time) will be conducted on the collected data. The statistical analysis will be due within six months from the date the last sample is collected. Should the results of the Technical Evaluation determine that there is a measurably significant impact to the groundwater, the Discharger shall develop a Best Practicable Treatment and Control (BPTC) work plan for the wastewater lagoon and settling basins. In addition to the intra-well statistical analysis, overall groundwater quality at the facility will be evaluated to identify impacts caused by waste management practices.
- f. **BPTC Work Plan:** Within six months of the completion of the BPTC Technical Evaluation, the Discharger shall submit a written work plan for a BPTC approach for the wastewater lagoons and/or ponds. The BPTC work plan shall be reviewed and approved by Regional Board staff prior to the Discharger implementing any changes to the lagoon and/or ponds. The BPTC work plan shall contain a time schedule for completing any changes to the lagoon and/or ponds to meet BPTC. The BPTC work plan is only required if the outcome of the Technical Evaluation indicates a measurably significant impact to groundwater.
- g. **Salinity Report:** The Discharger shall submit a report that identifies sources of salt in waste generated at the dairy, evaluates measures that can be taken to minimize salt in the dairy waste, and includes a commitment to implement measures identified to minimize salt in the dairy waste. If a third party (for example, the California Dairy Quality Assurance Program) produces an industry-wide report that is acceptable to the Executive Officer, the Discharger may refer to that report rather than generating his own report, but must certify that the appropriate measures will be implemented to reduce salt in his dairy waste.

### **G. Reporting Provisions**

1. All annual reports or information submitted to the Board shall be signed and certified in accordance with C.7 and C.8 of the Standard Provisions.
2. The Discharger shall submit all reports as specified in the attached Monitoring and Reporting Program No. R5-2009-XXXX.
3. The Discharger shall furnish, within a reasonable time, any information the Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Order. The Discharger shall, upon request, also furnish to the Board copies of records required to be kept by this Order.
4. All reports prepared and submitted to the Executive Officer in accordance with the terms of this Order shall be available for public inspection at the offices of the Board.

### **H. Record Keeping**

The Discharger shall create, maintain for five years, and make available to the Board upon request by the Executive Officer any reports or records required by this Order including those required under Monitoring and Reporting Program No. R5-2009-XXXX.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX August 2009.

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PAMELA C. CREEDON, Executive Officer